

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Departmental Proceedings initiated against Sri M. Koteswara Rao, Ex-Supervisor, AMC, Vijayawada & Assistant Secretary(Retired) and others for certain irregularities in collection of market fee and allowing irregular exemptions to the traders of Tamarind and Mangoes – Further action dropped – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 402

Dated:16-04-2011

Read the following:-

1. Preliminary Enquiry Report dt.18-10-1997 of Sri K. Suryanarayana Raju, the then JDM(Vig.)
2. Govt.Memo No.13353/Vig.II(1)/2003-5, dt.21-05-2004.
3. Charge Memos No.X(3)319/2003, dt.19-10-2004 of C&DOM, Hyd. issued to Ex-Supervisors, AMC, Vijayawada i.e. Sri M.Koteswara Rao, Sri V. Sambasiva Rao, Sri M. Srinivasa Rao, Sri P.A.Ramesh Kumar, Smt. Tehra Begum & Sri B. Nageswara Rao.
4. From Sri V. Sambasiva Rao, Ex-Supervisor, Written statement of defence dt.02-12-2004.
5. From Sri M. Srinivasa Rao, Ex-Supervisor, Written statement of defence dt.18-11-20-04.
6. From Sri P.A.Ramesh Babu, Ex-Supervisor, Written statement of defence dt.30-11-2004.
7. From Sri M. Koteswara Rao, Ex-Supervisor, Written statement of defence dt.17-01-2005.
8. Procs.No.X(3)319/2003, dt.07-06-2005 of the C&DOM, Hyd.
9. Inquiry Report dt.07-03-2006 of Sri D. Prakasam, Addl.DoM & Inquiry Officer.
10. Govt.Memo No.13353/Vig.II(1)/2003-15, dt.22-12-2006.
11. A.P.A.T. Interim Orders dt.14-02-2007 in O.A.No.727/2007 & dt.21-02-2007 in O.A.No.924/2007.
12. Procs.No.DS(2)319/2003, dt.18-03-2008 of C&DOAM, Hyd.
13. Govt.Memo No.13353/Vig.II(1)/2003-23, dt.06-05-2008.
14. Govt.Memo No.13353/Vig.II(1)/2003-25, dt.12-06-2008.
15. A.P.A.T. Order dt.16-12-2009 in O.A.Nos.726/2007 & 924/2007.
16. From C&DOAM, Hyd. Lr.No.DS(2)319/2003, dt.14-06-2010.

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ORDER:

It was brought to the notice of Government that certain staff at A.M.C. Vijayawada granted irregular exemptions to Tamarind and Mango Traders from 1981 onwards and sustained a loss of Rs.61.67 lakhs in respect of Tamarind and Rs.22.98 lakhs in respect of Mangoes. In the reference 2nd read above, the Commissioner & Director of Agricultural Marketing, Hyderabad was requested to initiate departmental action immediately against all the erring officials of the A.M.C. besides recovery of loss caused to Government, placing them under suspension. Accordingly, the Commissioner & Director of Agricultural Marketing, Hyderabad had placed following (6) employees of A.M.C., Vijayawada under suspension and also initiated departmental proceedings by framing articles of charges against them:-

1. Sri M. Koteswara Rao, Ex-Supervisor;
2. Sri V. Sambasiva Rao, Ex-Supervisor;
3. Sri M. Srinivasa Rao, Ex-Supervisor;
4. Sri P.A.Ramesh Babu, Ex-Supervisor;
5. Smt. Tahera Begum, Ex-Supervisor and
6. Sri B. Nageswara Rao, Ex-Supervisor

2. The Charged Officers have submitted their written statements of defence/acknowledged the Charge Memos. Subsequently, the Charged Officers were reinstated into service. In the reference 8th read above, the Commissioner & Director of Agricultural Marketing, Hyderabad has appointed Sri D. Prakasam, Addl.Director of Marketing as Inquiry Officer to conduct regular inquiry into the charges framed against the Charged Officers.

3. Sri D. Prakasam, Addl.Director of Marketing as Inquiry Officer has submitted the inquiry report concluding the charges were held not proved against the (5) Charged Officers at Sl.No. (1) to (5) in the Para (1) above and also reported that a separate report will be submitted in respect of remaining Charged Officer Sri B.Nageswara Rao, Ex-Supervisor, A.M.C., Vijayawada.

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4. Government, after careful examination of the inquiry report, have disagreed with the findings of the Inquiry Officer. Accordingly, in the reference 10th read above, while furnishing the disagreement factors, the Commissioner & Director of Agricultural Marketing, Hyderabad was requested to communicate a copy of the inquiry report along with the disagreement factors to the Charged Officers and obtain their replies, if any, and consider for imposing major penalty against them after following the due procedure.

5. Aggrieved by the above, the Charged Officers at Sl.No.(1) to (5) in the Para (1) above instead of submitting their representations for the disagreement factors, have approached the A.P.Administrative Tribunal and filed O.As Nos. 726/2007 & 924/2007. The Hon'ble Tribunal accorded interim orders dt.14-2-2007 & 21-2-2007 in the above O.As staying the Govt. orders issued in the reference 10th read above.

6. In the reference 12th read above, the Commissioner & Director of Agricultural Marketing, Hyderabad has issued orders exonerating from the charges against the (6) Charged Officers at Sl.No.(1) to (6) in the Para (1) above, taking a view on the representations made by the Ex-Supervisors and accepting the findings of the Inquiry Officer in his inquiry report dt.7-3-2006, subject to the outcome of O.As pending in the A.P.A.T.

7. In the reference 13th read above, Government have issued orders setting aside the orders issued by the Commissioner & Director of Agricultural Marketing, Hyderabad in the reference 17th read above while taking revision under Section 27(3) of A.P.(AP&LS) Markets Act, 1966 and requested the Commissioner & Director of Agricultural Marketing, Hyderabad to furnish the representations of (5) Charged Officers on the disagreement factors of the Government against the inquiry report dt.7-3-2006.

8. In the reference 14th read above, Government have appointed the Addl. Director of Marketing, O/o Commissioner & Director of Agricultural Marketing, Hyderabad as Inquiry Officer to conduct inquiry into the charge framed against Sri B. Nageswara Rao, Ex-Supervisor, A.M.C., Vijayawada in place of Sri D. Prakasam, the then Addl. Director of Marketing, who retired from Public Service on superannuation on 30-06-2007, as Sri D. Prakasam, the then Addl. Director of Marketing has not submitted the inquiry report in respect of Sri B. Nageswara Rao, Ex-Supervisor.

9. As requested by the Applicants i.e. (5) Charged Officers at Sl.No. (1) to (5) in the Para (1) above, the Hon'ble Tribunal, in its orders dt.16-12-2009, have accorded permission to the applicants to withdraw the O.A.Nos726/2007 and 924/2007.

10. In the reference 16th read above, the Commissioner & Director of Agricultural Marketing, Hyderabad has informed that the DCB Registers were available from 2003-04 to 2009-10 only and prior to that period, the DCB Registers were not traced out in spite of verification of old records and also informed that necessary disciplinary action be initiated against the custodian officers of the records.

11. Government, after careful examination of the entire matter, have observed that the irregularities reported to have been done in allowing exemptions to tamarind & mango traders during the periods / spells from 1982-94 were not proved, (a) since the inquiry officer has reported that the charges are held not proved, (b) there were no old records being maintained by the A.M.C. to estimate the turn over of loss as there were no assessment records pertaining the periods and (c) all the Charged Officers were retired from service and they worked during various periods and to attribute losses to each Charged Officer in each period cannot be established for want of assessment data. As such, Government have decided to drop further action against the following (6) Charged Officers duly cancelling the orders issued in the reference 14th read above i.e. inquiry officer appointment orders against Sri B. Nageswara Rao, Ex-Supervisor, A.M.C., Vijayawada.

1. Sri M. Koteswara Rao, Ex-Supervisor, A.M.C., Vijayawada & Asst. Secretary(Retired);
2. Sri V. Sambasiva Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
3. Sri M. Srinivasa Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
4. Sri P.A.Ramesh Babu, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-II(Retired)'
5. Smt. Tahera Begum, Ex-Supervisor, A.M.C., Vijayawada & Seretary Grade-III(retired) and
6. Sri B. Nageswara Rao, Ex-Supervisor(Retired), A.M.C., Vijayawada

12. Accordingly, Government hereby drop further action against the following 6) Charged Officers duly cancelling the orders issued in the reference 14th read above i.e. inquiry officer appointment orders against Sri B. Nageswara Rao, Ex-Supervisor, A.M.C., Vijayawada:-

1. Sri M. Koteswara Rao, Ex-Supervisor, A.M.C., Vijayawada & Asst. Secretary(Retired);
2. Sri V. Sambasiva Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
3. Sri M. Srinivasa Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
4. Sri P.A.Ramesh Babu, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-II(Retired)'
5. Smt. Tahera Begum, Ex-Supervisor, A.M.C., Vijayawada & Seretary Grade-III(retired) and
6. Sri B. Nageswara Rao, Ex-Supervisor(Retired), A.M.C., Vijayawada

13. The Commissioner and Director of Agricultural Marketing, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. R. KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Koteswara Rao, Ex-Supervisor, A.M.C., Vijayawada & Asst. Secretary(Retired);
Sri V. Sambasiva Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
Sri M. Srinivasa Rao, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-I(Retired);
Sri P.A.Ramesh Banu, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-II(Retired);
Smt. Tehera Begam, Ex-Supervisor, A.M.C., Vijayawada & Secretary Grade-III(Retired) and
Sri B. Nageswara Rao, Ex-Supervisor(Retired), A.M.C., Vijayawada
(Through : The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad)

Copy to:-

The Addl. Director of Marketing & Inquiry Authority,
O/o Commissioner & Director of Agricultural Marketing, Hyderabad.
The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad
The Secretary, A.P. Vigilance Commission, Hyderabad(C.No.1411/VC.I(2)/2003)
SC/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER